

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE DENTAL SUPPLIES  
ANTIRUST LITIGATION

**CONSENT MOTION FOR  
SCHEDULING ORDER**

16 Civ. 696 (BMC)

**ALL CASES**

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Pursuant to this Court's March 23, 2016 Order for Pre-Motion Conference, Defendants Patterson Companies, Inc., Henry Schein, Inc., and Benco Dental Supply Company (hereinafter "Defendants") and Plaintiffs have conferred regarding an alternative schedule for Defendants' Motions to Dismiss. (*See* Minute Entry and Order, March 23, 2016.) On March 30, 2016, in response to Plaintiffs' Subpoena to Produce Documents, Information, or Objects, or to Permit Inspection of Premises in a Civil Action, non-party Archer & White produced documents and audio recordings relating to, *inter alia*, the allegations in the Consolidated Class Action Complaint. In order to accommodate these materials in connection with the Motion to Dismiss schedule, the Parties agree to the following schedule:

- (1) Defendants' Motions to Dismiss the Consolidated Class Action Complaint shall be due on May 4, 2016.
- (2) Plaintiffs' brief in opposition to Defendants' Motions to Dismiss shall be due on May 25, 2016.
- (3) Defendants' reply briefs shall be due on June 6, 2016.

Plaintiffs consent to Defendants' extension request with the following caveat: given that Archer & White produced materials responsive to Plaintiffs' subpoena on March 30, 2016, Plaintiffs' consent is conditioned on Defendants' agreement not to file supplemental briefs in support of a Rule 12 motion relating to any document that has already been produced.

WHEREFORE, the Parties hereby respectfully request that this Court enter the above agreed-upon briefing schedule.

Dated: April 8, 2016

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**APPROVED AND SO ORDERED** 4/8/16

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Judge Brian M. Cogan, Eastern District of New York

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 8th of April, 2016, I caused to be electronically filed the foregoing Consent Motion for Scheduling Order with the Clerk of Court through the CM/ECF system. Notice of this filing will be sent by email to all parties by operation of the court's electronic filing systems. Parties may access the filing through the Court's CM/ECF System.

*/s/ Howard D. Scher*  
Howard D. Scher